

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Turnbrook Court, 910' NW
of Perry Woods Court
(43 Turnbrook Court)
11th Election District
5th Councilmanic District

Mary A. Towery
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-390-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Mary A. Towery. The Petitioner seeks relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section 301.1.C.3.b of the Zoning Commissioner's Policy Manual to permit a side yard setback of 1 foot for an open projection (deck) in lieu of the minimum required 9.75 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the

ORDER RECEIVED FOR FILING

Date

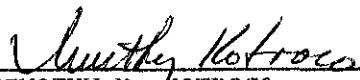
By

B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of May, 1998 that the Petition for Administrative Variance seeking relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section 301.1.C.3.b of the Zoning Commissioner's Policy Manual to permit a side yard setback of 1 foot for an open projection (deck) in lieu of the minimum required 9.75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 5/14/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 14, 1998

Ms. Mary A. Towery
43 Turnbrook Court
Parkville, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Turnbrook Court, 910' NW of Perry Woods Court
(43 Turnbrook Court)
11th Election District - 5th Councilmanic District
Mary A. Towery - Petitioner
Case No. 98-390-A

Dear Ms. Towery:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

~~File~~





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

43 Turnbrook Court
which is presently zoned DR 5.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Sec 301.1 A BCZ R and
Sec 301.1.C.3. b
ZCPM

To allow a 1' side yard setback
for an open deck in lieu of
the required 9.75'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Affidavit

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

Mary A. Towery
(Type or Print Name)

Signature

Mary A. Towery
Signature

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

43 Turnbrook Ct 410-522-5153
Address Phone No

Parkville MO 21234
City State Zipcode

Name, Address and phone number of representative to be contacted

Signature

Address Phone No.

Name

City State Zipcode

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: AM

DATE: 17 Apr 88

ESTIMATED POSTING DATE: 22 Apr 88

Printed with Soybean Ink
on Recycled Paper

ITEM #: 390

98-390-A

ORDER RECEIVED FOR FILING
Date 5/14/88

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 43 Turnbrook Court
address
Parkville MO 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

My 96 year old mother makes her permanent home with me. She is presently confined to the house with the exception of doctor visits due to the difficulty of using the steps. She suffers from acute osteoporosis and the risk of falling is prevalent. The deck would provide a place for her to have access to the outdoors. The ramp would provide access to the house in regular use and in emergencies. The variance would provide for her safety and overall quality of life.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mary A. Towery
(signature)
Mary A. Towery
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of April, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARY A. TOWERY

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

April 11, 1998
date

Jamela J. J. J. J.
NOTARY PUBLIC

My Commission Expires: June 6, 1999

A OPE-8P

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 43 Turnbrook Court
address
Parkville MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

My 96 year old mother makes her permanent home with me. She is presently confined to the house with the exception of doctor visits due to the difficulty of using the steps. She suffers from acute osteoporosis and the risk of falling is prevalent. The deck would provide a place for her to have access to the outdoors. The ramp would provide access to the house in regular use and in emergencies. The variance would provide for her safety and overall quality of life.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mary A. Towery
(signature)
Mary A. Towery
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of APRIL, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARY A Towery

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

April 11, 1998
date

Jamela Joseph
NOTARY PUBLIC

My Commission Expires: June 6, 1999

A-09E-89



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 43 Turnbrook Court

which is presently zoned DRG.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

✓ Sec 301.1A BCZR and
Sec 301.1.C. 3.b
ZCPM

To allow a 1' side yard setback
for an open deck in lieu of
the required 9.75'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE AFFIDAVIT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

x Mary A. Towery
(Type or Print Name)

Mary A. Towery
Signature

(Type or Print Name)

Signature

x 43 Turnbrook Ct. x 410-529-5153
Address Phone No

x Parkville x MD x 21234
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: ___ DATE: ___

ESTIMATED POSTING DATE: ___



Printed with Soybean Ink
on Recycled Paper

ITEM #: 390

98-390-A

Zoning Description

Zoning description for 43 Turnbrook Court

Beginning at a point on the North side
of Turnbrook Court which is ~~80~~ ⁸⁵ feet
wide and a distance of ~~910~~ ⁹¹⁰ feet ^{North then West} of
~~intersecting street with Turnbrook Court~~
~~of Perrywoods Court~~. Lot # 40 in the
subdivision of Turnbrook as recorded
in Baltimore County Plat Book # 68
Page # 111 containing 2625 square feet.
Also known as 43 Turnbrook Court and
located in the 11th Election District
08th Councilmanic District.

98-390-A

BALTIMORE COUNTY, MARY' ND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 052868

DATE 17 Apr 98 ACCOUNT R-001-6150

390 AMOUNT \$ 50.00

RECEIVED FROM: MARY A TOWERY

FOR: ADMINISTRATIVE VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAYD RECEIPT

PROCESS ACTION FIN
4/17/1998 4/17/1998 10:09:55

RE. 0002 CASHIER JETC JNR CASHIER
5 MISCELLANEOUS CASH RECEIPT

Receipt # 041512
CR NO. 052868

DEFIN

50.00 CHECK
Baltimore County, Maryland

98-390-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-390-A

Petitioner/Developer: _____

MARY A. TOWER

Date of Hearing/Closing: MAY 11, 1998

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

43 TURNBROOK COURT

The sign(s) were posted on APRIL 28, 1998
(Month, Day, Year)

Sincerely,

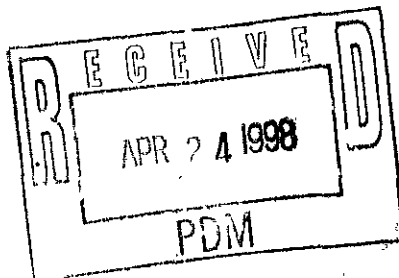
Garland E. Moore
(Signature of Sign Poster and Date)

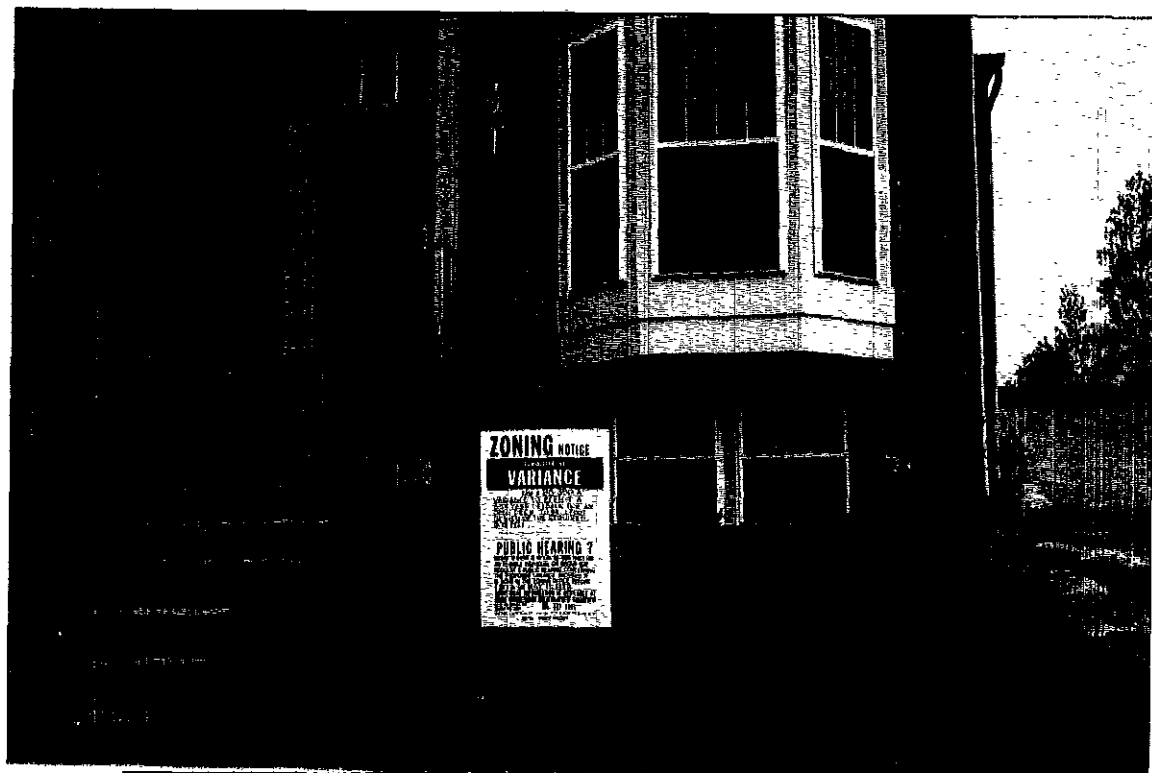
GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)





ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 98-390-A
VARIANCE TO PERMIT A
SIDEYARD SETBACK FOR AN
OPEN DECK TO BE 1 FOOT
IN LIEU OF THE REQUIRED
9.75 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MAY 11, 1998

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204 TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST WITHIN 30 DAYS AFTER HEARING DATE. VIOLATION PENALTY OF \$400. RETURN BOTH TO ZADM, WM, 101
MEETING IS HANDICAP ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 390 -A

Address 43 Turnbrook Ct

Contact Person: KATE MILTON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 17 Apr 98

Posting Date: 26 Apr 98

Closing Date: 11 May 98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 390 -A

Address 43 Turnbrook Ct

Posting Date: 26 Apr 98

Closing Date: 11 May 98

Wording for Sign: ~~To Permit~~ Variance to permit A SIDEYARD
Setback for an open deck to be 1' in
lieu of the Required 9.75'



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 390

Petitioner: Mary A. Towery

Location: 43 Turnbrook Ct. Parkville, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mary A. Towery

ADDRESS: 43 Turnbrook Ct.

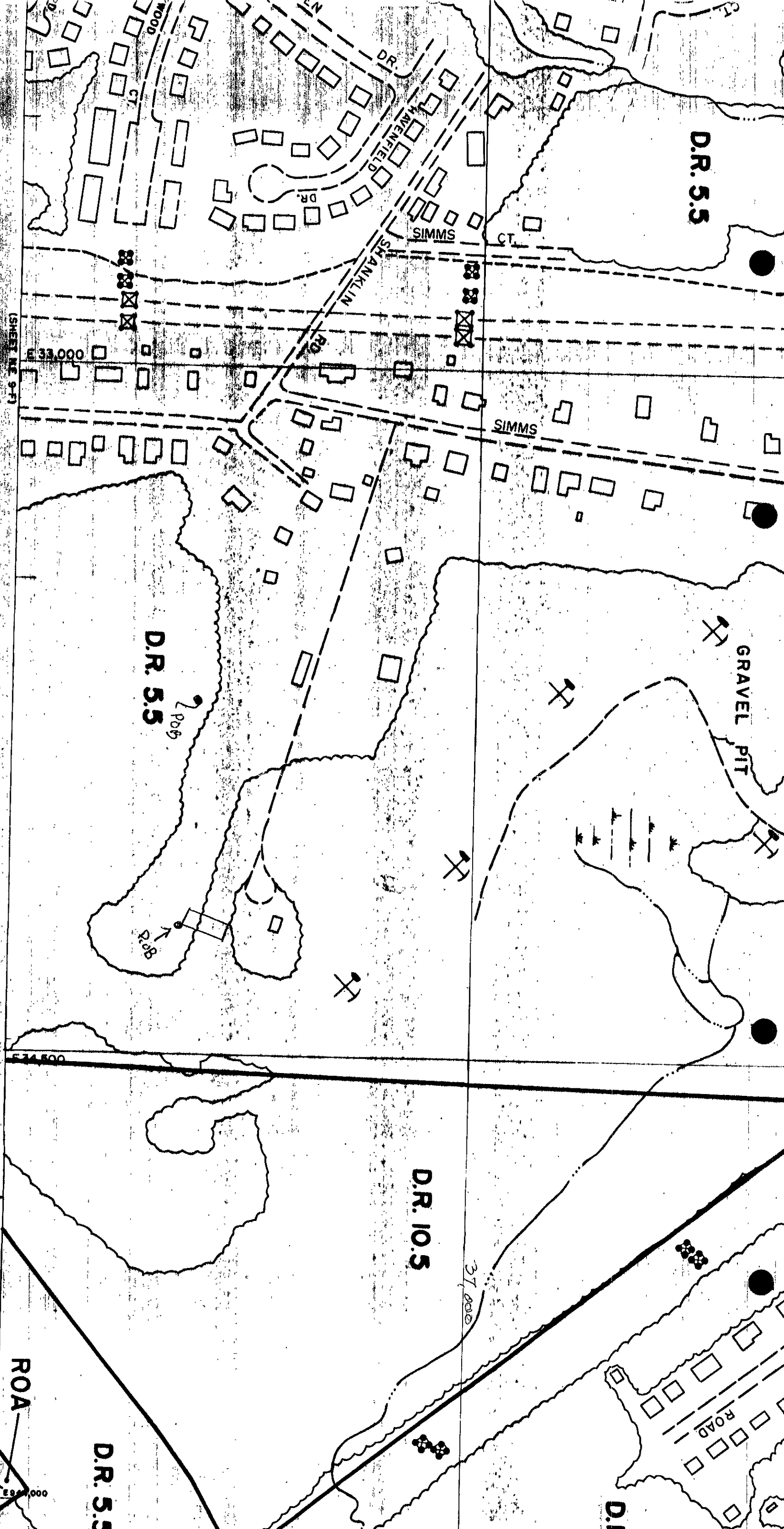
Parkville, MD 21234

PHONE NUMBER: 410-524-5153

AJ:ggs

(Revised 09/24/96)

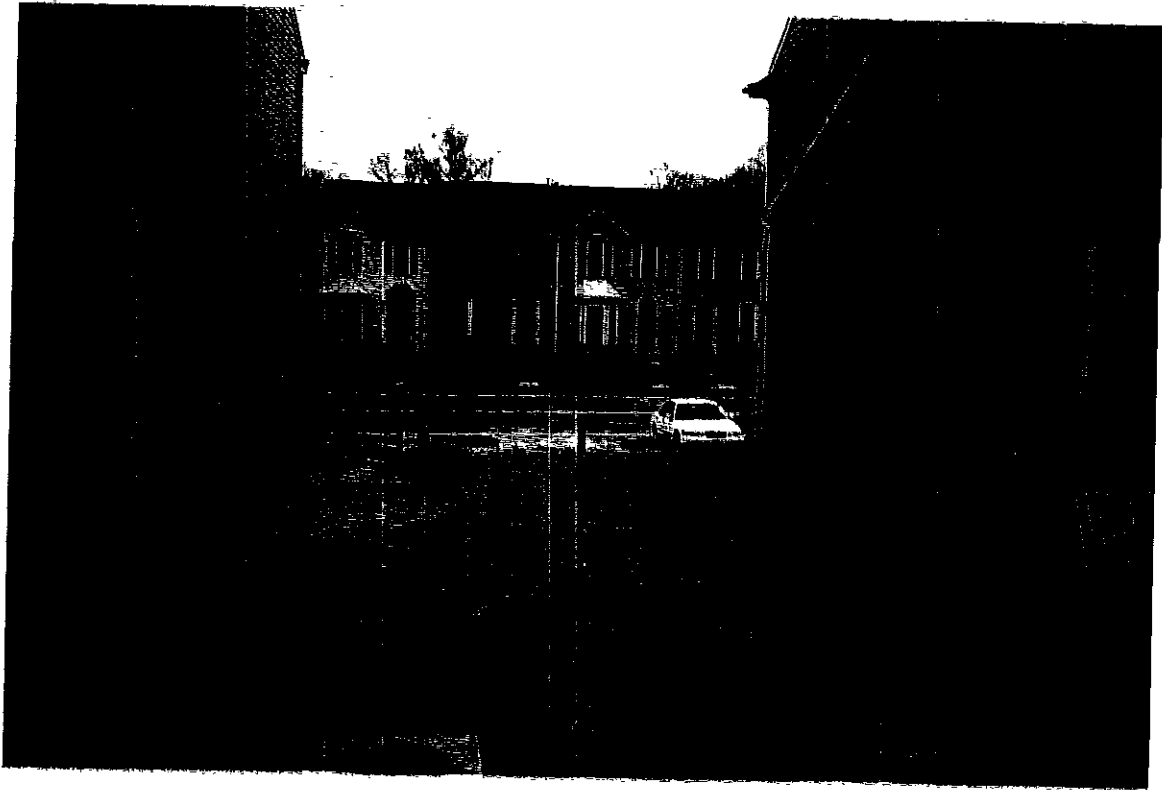
98-390-A -16-



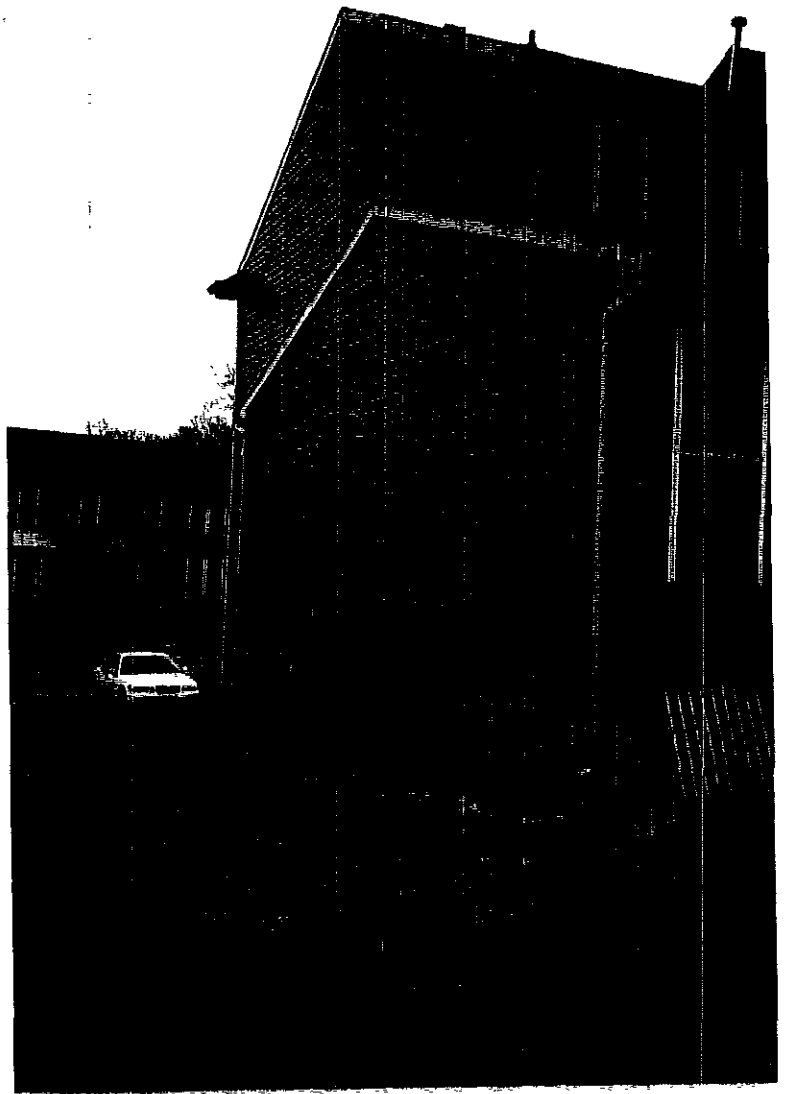
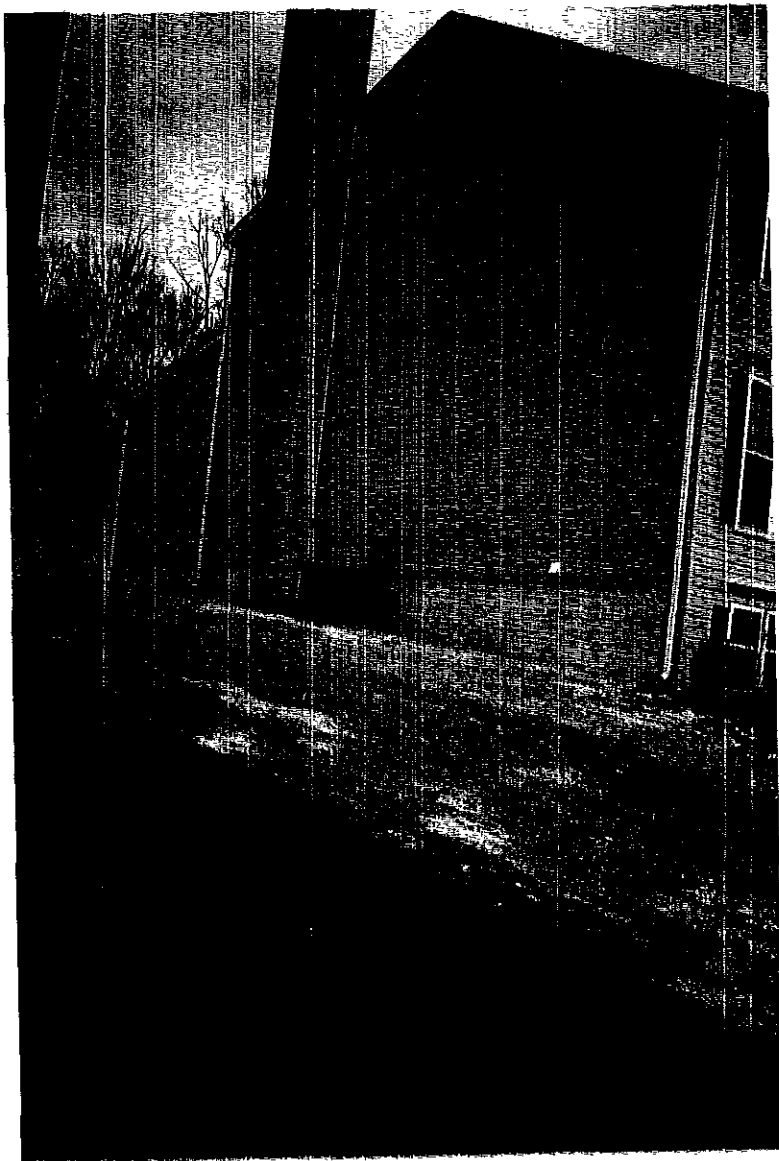
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

08-390-A

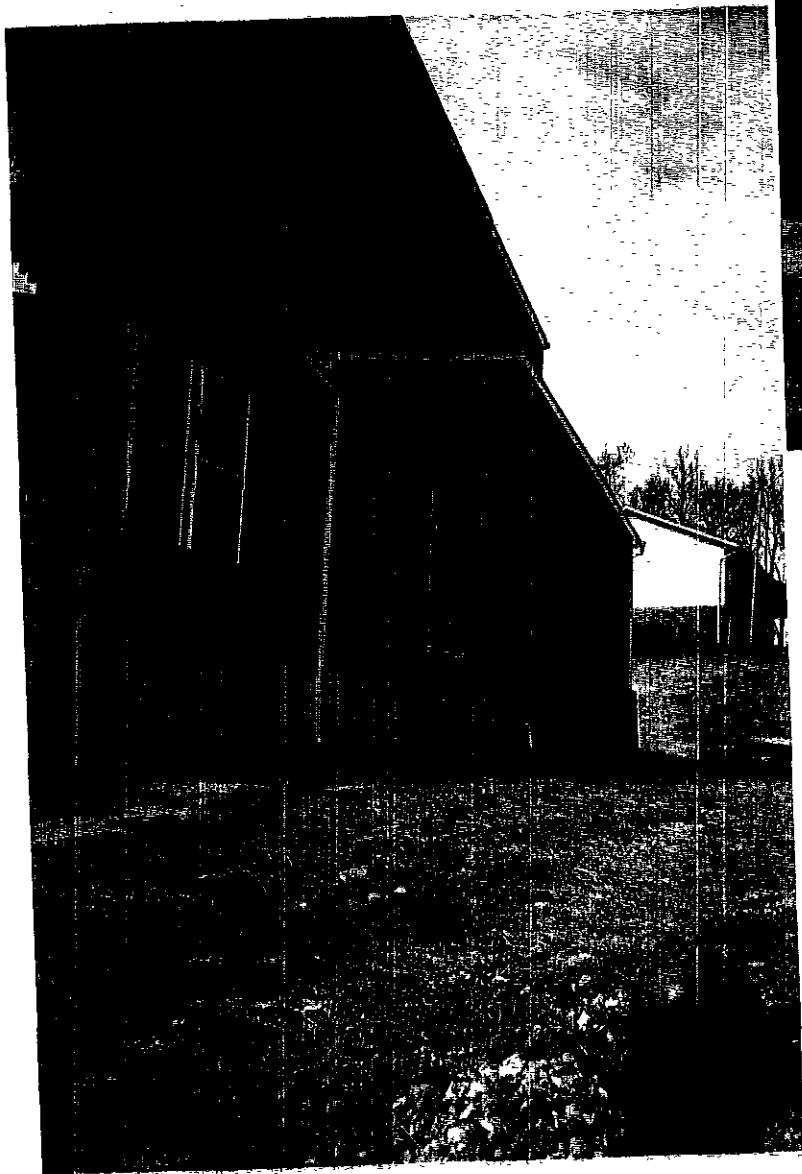
SCALE 1" = 200' ±	LOCATION NE 10 F, CARNEY
DATE OF PHOTOGRAPHY JANUARY 1986	PERRY HALL 296



98-390-A



98-390-A



98-390-A



BALTIMORE COUNTY 98-390-A
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±		CARNEY	N.E.
DATE OF PHOTOGRAPHY		PERRY HALL	10-F
JANUARY 1986			